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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

REED CONSTRUCTION DATA INC.,

Plaintiff,

V.

THE MCGRAW-HILL COMPANIES, INC.,

Defendants.

- x : Case No. 09-cv-8578 (JPO)

STIPULATED ORDER  
DISMISSING PLAINTIFF REED  
CONSTRUCTION DATA'S UNFAIR  
COMPETITION CLAIM AND  
DEFENDANT MCGRAW HILL'S  
COUNTERCLAIMS

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff Reed Construction Data, Inc.

(“RCD”) and Defendant McGraw Hill Financial, Inc. (formerly known as The McGraw-Hill Companies, Inc.) (“McGraw Hill”), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on September 14, 2010, the Court issued an Order granting McGraw Hill's motion to dismiss RCD's claims under New York General Business Law Section 349 and the Racketeer Influenced and Corrupt Organization Act ("the September 14, 2010 Order") [dkt. 35],

WHEREAS, on September 24, 2014, the Court issued an Order: (i) granting McGraw Hill's motion for summary judgment as to all of RCD's remaining claims, except for RCD's unfair competition claim; and (ii) granting McGraw Hill's motion to exclude testimony of RCD's expert Frederick R. Warren-Boulton, Ph.D. as stated therein ("the September 24, 2014 Order") [dkt. 215],

NOW, THEREFORE, RCD and McGraw Hill have agreed as follows, subject to the Court's approval:

1. The unfair competition claim asserted by RCD is voluntarily dismissed without prejudice pursuant to F.R.C.P. 41(a). That claim may be reinstated only if the United States

Court of Appeals for the Second Circuit reverses, vacates, or remands in whole or in part either the September 14, 2010 Order or the September 24, 2014 Order, and may be asserted only in this Court in connection with this action. If RCD fails to seek reinstatement of its unfair competition claim within 30 days of the Second Circuit's mandate, the dismissal will be converted to a voluntary dismissal with prejudice. If the Second Circuit does not reverse, vacate, or remand either the Court's September 14, 2010 Order or September 24, 2014 Order in whole or in part, RCD's unfair competition claim shall be dismissed with prejudice.

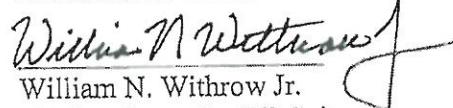
2. The counterclaims asserted by McGraw Hill (misappropriation of trade secrets, misappropriation of confidential information, unfair competition, and aiding and abetting breach of fiduciary duty) are voluntarily dismissed without prejudice pursuant to F.R.C.P. 41(a). Those claims may be reinstated only if the United States Court of Appeals for the Second Circuit reverses, vacates, or remands in whole or in part either the September 14, 2010 Order or the September 24, 2014 Order, and may be asserted only in this Court in connection with this action. If McGraw Hill fails to seek reinstatement of its counterclaims within 30 days of the Second Circuit's mandate, the dismissal will be converted to a voluntary dismissal with prejudice. If the Second Circuit does not reverse, vacate, or remand either the Court's September 14, 2010 Order or September 24, 2014 Order in whole or in part, McGraw Hill's counterclaims shall be dismissed with prejudice.

3. If RCD's unfair competition claim and/or McGraw Hill's counterclaims are reinstated in this action, the parties agree that RCD's unfair competition claim and McGraw Hill's counterclaims shall relate back to the date they were originally filed in this action, and the parties shall not assert any statute of limitations or other defenses based on the passage of time

since the dates RCD's unfair competition claim and McGraw Hill's counterclaims were originally filed.

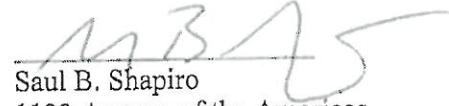
Dated: October 15, 2014

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Inc. (formerly known as The McGraw-Hill  
Companies, Inc.)*

IT IS SO ORDERED.

Dated: 10/17/14  
New York, New York

  
J. PAUL OETKEN  
United States District Judge 